

1 THE HONORABLE JOHN H. CHUN
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 FEDERAL TRADE COMMISSION, *et al.*,

12 Plaintiffs,

13 v.

14 AMAZON.COM, INC., a corporation,

15 Defendant.

16 Case No. 2:23-cv-01495-JHC

17 **DECLARATION OF KEVIN M.
18 HODGES IN SUPPORT OF
19 DEFENDANT'S MOTION TO
20 EXTEND TIME TO RESPOND
21 TO THE COMPLAINT**

22 I, Kevin M. Hodges, declare as follows:

23 1. I am a partner at Williams & Connolly LLP, counsel to Defendant Amazon.com, Inc. ("Amazon") in the above-captioned action. I am over eighteen years of age and am competent to testify herein. I make the following statements based on my personal knowledge.

24 2. On multiple occasions prior to service of the summons and complaint, I offered, on behalf of Amazon, to waive service of the summons and complaint that was filed in this matter. I made this offer in a telephone call with FTC counsel on September 5, 2023, and in emails to FTC counsel on September 26, 2023, and September 27, 2023.

25 3. On September 28, 2023, Plaintiffs served an unredacted version of their complaint on Amazon's registered agent located in Wilmington, Delaware.

1 4. On behalf of Amazon, I have participated in multiple meet and confer discussions
2 with Plaintiffs' counsel. I have requested an extension of time until December 8, 2023, for
3 Amazon's response to the complaint. Plaintiffs have conditioned agreement to the December 8
4 date to Amazon's agreement on deadlines for the Rule 26(f) conference, initial disclosures, joint
5 status report, and discovery plan. On behalf of Amazon, I have communicated that Amazon is
6 prepared to discuss these topics in good faith, but that this is a complex case in which those initial
7 procedures will likely take more time and effort than in the usual case. Plaintiffs have, in the
8 alternative, offered to agree to a shorter extension that is not conditioned on reaching agreement
9 on other dates. The alternative extension offered by Plaintiffs is shorter than the time period that
10 Amazon would have received if Plaintiffs had accepted Amazon's offer to waive service.

11 5. As of the date of this declaration, the parties have not reached agreement on the
12 deadline for Amazon to file its response to the complaint.

14 I declare under the penalty of perjury under the laws of the United States of America that
15 the foregoing is true and correct.

16 || Executed on October 16, 2023 in Washington, D.C.

/s/ Kevin M. Hodges
Kevin M. Hodges